

DETAILED ACTION

Status of Claims

1. Prosecution of this application is reopened as indicated in the Notice of Panel Decision from Pre-Appeal Brief Review mailed **29 September 2011**. Claims 1-127 had been canceled prior to last office action. Claims 128-183 remain pending. Objections and rejections are stated below.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the subject matter set forth in the claims. The specification, as originally filed does not provide support for the invention as now claimed.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. Vas-Cat, Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'g denied (.Fed. Cir. July 8, 1991) and reh'g, en banc, denied (Fed. Cir. July 29, 1991).

4. **Claims 128, 133, 138, 153, 156, 164, 176 and 177** include the representative limitation:

- computing brokerage fees to traders for trades executed on the electronic trading system, the brokerage fee computation differing depending on whether each trader is on the aggressive side or passive side of a trade, the commission schedule arranged to charge passive-side brokerage fees to market makers whether on aggressive side or passive side.

However, the specification does not provide a written description disclosure to support computing brokerage fees or arranging commission schedules.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 128, 133, 138, 153, 156, 164, 176 and 177** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the representative limitation:

- computing brokerage fees to traders for trades executed on the electronic trading system, the brokerage fee computation differing depending on whether each trader is on the aggressive side or passive side of a trade, the commission schedule arranged to charge passive-side brokerage fees to market makers whether on aggressive side or passive side,

Examiner finds no evidence of computing brokerage fees. To overcome this rejection, Applicant should identify where in the specification computing brokerage fees is disclosed, or otherwise, cancel such matter from the claims.

7. **Claims 128, 129, 141, 151, 154, 155, 159, 171, 174, 178 and 181** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the representative limitation:

- (c) starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other at the price of the later order;

it is not clear how the crossed market maker orders do not remain matching or crossed at expiry of the timer. It is not clear if and how the prices of the orders change, or how price changes are determined. There is no method step reading in price data or changing price data according to some parameters. See related 112, 2nd paragraph rejection.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 128-183 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding **claims 128, 129, 144, 154, 155, 157, 170-173 and 178-180**, in the representative limitations:

- by a computer of an electronic trading system, evaluating orders to trade an instrument to determine whether the orders are placed by market-makers, and evaluating received orders to determine whether a bid to buy order for the instrument crosses price with an offer to sell order for the instrument;
- (a) adjusting a price of at least one of the crossed market maker orders to match the price of the other crossed market maker order, and publishing the adjusted price order to the market for execution by non-market makers while not executing the market makers' orders against each other;

- (b) adjusting the price of at least one of the crossed market maker orders to match the price of the other crossed market maker order, and executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other;

are vague and indefinite. The terms including but not limited to “to determine”, such as “to determine whether the orders are placed by market-makers” and “to determine whether a bid to buy order for the instrument crosses price”, or “to match” (the price), are merely statements of intended use and **are not positive recitation** of method steps. To overcome this rejection, method steps must clearly be recited.

Further, the term “*the other crossed market maker order*” is vague and indefinite because it is not clear whether there is one other crossed market maker order or several in as much as two received orders are evaluated - “a bid to buy order for the instrument crosses price with an offer to sell order for the instrument” - in the first limitation, but orders from non-market traders are executed in the following limitations. Applicant should clarify what orders are received, how they are evaluated, and with whom they are executed. Appropriate correction is required.

11. Regarding **claims 128, 129, 141, 151, 154, 155, 159, 174 171, 178 and 181**, in the representative limitation:

- (c) starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other at the price of the later order

is vague and indefinite in as much as it is not clear how the crossed market maker orders do not remain matching or crossed at expiry of the timer. It is not clear if and how the

Art Unit: 3695

prices of the orders change, or how price changes are determined. See related 112, 1st paragraph rejection.

12. Regarding **claim 128**, the limitations:

- (1) based on a determination by a computer of the electronic trading system that a price of a bid to buy order crosses the price of an offer to sell order, and that the crossed orders are each from market makers, starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and automatically taking at least one of the following actions (a), (b) or (c):
- (c) starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other at the price of the later order;

are vague and indefinite because it is a repetition of steps. Further, it is not clear whether the timer in these limitations is the same timer or different timers.

For the purposes of examination, the claim will be interpreted to the best of the Examiners ability. Appropriate correction is required.

13. Regarding **claim 128, 133, 138, 153, 156, 164, 176 and 177**, in the representative limitation:

- by computer of an electronic trading system, *computing brokerage fees* to traders for trades executed on the electronic trading system, the brokerage fee computation differing depending on whether each trader is on the aggressive side or passive side of a trade, the commission schedule arranged to charge passive-side brokerage fees to market makers whether on aggressive side or passive side.

the term “the brokerage fee computation” and “the commission schedule” each lacks antecedent basis. *First*, it is not clear whether “brokerage fees” include “the brokerage fee”. Further, if interpreted as “the commission schedule” is interpreted to mean “a commission schedule”, the statement “a commission schedule arranged to charge passive-side brokerage fees to market makers whether on aggressive side or passive side” does not make sense in as much passive-side brokerage fees would exclude aggressive side ones based on definition.

For purposes of examination, the limitation will be interpreted to mean:

- by computer of an electronic trading system, computing brokerage fees to traders for trades executed on the electronic trading system based on whether the trader is on the aggressive side or passive side of a trade.

Appropriate correction is required.

14. Regarding **claims 130-153, 155-169, 171-176 and 179-183**, Examiner notes that many of the limitations in the independent claims are repeated in the dependent claims. As such, the claims are vague and indefinite because if a method step was performed in the independent claim, such as “automatically executing two market orders” (claim 129), repeating the step in dependent claims, such as claims 130, 131 and 132 would not make sense because the orders are already executed. It is not clear where these limitations fall in the sequence of steps claimed in the independent claim. Further, when repeating such steps such as “starting a timer” in independent claim 129, and “starting a timer” in dependent claim 141, it is not clear whether the timers are the same or different.

Further, Examiner notes that there are conditional limitations, such as “adjusting a price” and “executing the adjusted price order” in independent claim 129, which are *contradicted*, such as “canceling the automatic execution” in claim 143. These limitations are accordingly vague and indefinite.

Examiner also notes that much of the claim language is vague and indefinite because the terminology is not consistent. For example, it is not clear that “executing the adjusted price order” (independent claim 129) refers to “the *automatic* execution” (emphasis on *automatic*) when “canceling the *automatic* execution” in dependent claim 143.

Examiner has made a concerted effort to indicate which claims are vague and indefinite for the reasons just described, but Applicant is advised to clarify such language where applicable throughout.

15. Regarding **claim 130**, the limitation:

- adjusting a price of at least one of the crossed market maker orders to match the price of the other crossed market maker order.

is vague and indefinite as discussed above in the rejection of claim 129. Also, it is not clear how an adjustment is made herein whereas, the adjustment already was performed in the independent claim. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

16. Regarding **claim 131**, the limitation:

- executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other.

is vague and indefinite in that it is not clear how *executing the adjusted price order* is made herein whereas, *executing the adjusted price order* was already performed in the independent claim. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

17. Regarding **claim 132, 135, 137 and 142**, in the representative limitation:

- based at least in part on a determination by a computer of the electronic trading system that a price of a bid to buy order crosses the price of an offer to sell order, handling the crossed orders:

the term “handling the crossed orders” is vague and indefinite in that it is not clear what method step is actually performed: the metes and bounds are not clearly set forth.

For the purposes of examination, the term “handling the crossed orders” will be interpreted as being not further limiting. Appropriate correction is required.

18. Regarding **claim 132, 135, 137, 142 and 152**, in the representative limitation:

- (a) if the evaluation determined that both crossed orders are from market makers or that both crossed orders are from non-market makers, executing a trade between the crossed orders at the price of the later order.

is vague and indefinite in that *executing a trade between the crossed orders from market makers* herein contradicts “*while not executing the market makers' orders against each other*” in the independent claim. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

19. Regarding **claim 134**, the limitation:

- executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other.

is vague and indefinite in that it is not clear how *executing the adjusted price order* is made herein whereas, *executing the adjusted price order* was already performed in the independent claim. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

20. Regarding **claim 136**, the limitation:

- the adjusting of price is a change of the price of the earlier of the crossed market maker orders to match the price of the later of the crossed market maker orders.

is vague and indefinite in that “the adjusting of price” lacks antecedent basis. Examiner notes that “adjusting” herein is a noun whereas “adjusting” in claim 130, the claim upon which it depends, is a verb. Further, the wording of the limitation is confusing at least because it’s rhetorical; “adjusting a price is a change of the price”. Perhaps the Applicant means to convey “wherein adjusting the price of at least one of the crossed market maker orders includes . . .”.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

21. Regarding **claim 139**, the limitation:

- assigning a new priority time stamp to the order whose price is adjusted.

is vague and indefinite in that it is not clear that there is *an order whose price is adjusted* in as much as it may not have been adjusted in independent claim 129, or there may be two orders whose prices are adjusted as indicated by claim 130.

For the purposes of examination, the claim will be interpreted to the best of the Examiner’s ability. Appropriate correction is required.

22. Regarding **claim 141**, the limitation:

- starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other.

is vague and indefinite because it is a repetition of step (c) in independent claim 129 in which “executing the two market orders” had already been performed. Further, it is not clear whether the timer in this limitation is the same as “the timer” in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

23. Regarding **claim 143**, in the representative limitation:

- canceling the automatic execution if the price of either the crossed or matching market maker orders is moved to be no longer be crossed or matching before the timer expires.

is vague and indefinite in that it is not clear what “if the price of either the crossed or matching market maker orders is moved to be no longer be crossed or matching” means. Perhaps the Applicant means “if the bid to buy price and the offer to sell price are no longer crossed or matching”. For purpose of examination, the limitation will be interpreted:

- canceling the automatic execution if the bid to buy price and the offer to sell price are no longer crossed or matching before the timer expires.

Appropriate correction is required.

24. Regarding **claim 144**, the limitations:

- (a) adjusting a price of at least one of the crossed market maker orders to match the price of the other crossed market maker order, and publishing the adjusted price

order to the market for execution by non-market makers while not executing the market makers' orders against each other; or

- (b) adjusting the price of at least one of the crossed market maker orders to match the price of the other crossed market maker order, and executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other.

is vague and indefinite because it is a repetition of steps (a) and (b) in independent claim 129 in which had already been performed. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

25. Regarding **claim 146**, in the limitation:

- if, before the timer expires, an order is received at the electronic trading system from a non-market-maker customer at a price executable against either of the crossed non-market-maker orders, executing the non-market-maker order against the executable market maker order without **substantial** delay.

the term "substantial delay" is a relative term and is thus vague and indefinite. The term "**substantial**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Also, the limitation itself is a conditional limitation such that if the condition does not hold true, no limitation is claimed.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

26. Regarding **claim 147**, in the limitation:

- after executing the non-market-maker order against the executable market maker order, automatically canceling or moving a price of at least one of the crossed market maker orders.

is vague and indefinite because it is not clear what “automatically *canceling or moving a price* of at least one of the crossed market maker orders” means. Perhaps the Applicant means “automatically canceling an order, or adjusting a price of some order”.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

27. Regarding **claim 151**, the limitations:

- starting a timer delaying execution of the locked or crossed market maker orders against each other for a period of time; and
- if the crossed market maker orders remain matching at expiry of the timer, automatically executing the two market maker orders against each other

are vague and indefinite because they are a substantial repetition of step (c) in independent claim 129 in which these steps had already been performed. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

28. Regarding **claim 155**, the limitations:

- (c) starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other.

is vague and indefinite because it is a substantial repetition of limitations in independent claim 154 in which “executing the two market orders” had already been performed. Further, it is not clear whether the timer in this limitation is the same as “the timer” in the independent claim. Further, it is not clear where this limitation falls in the sequence of steps claimed in the independent claim.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

29. Regarding **claim 159**, the limitation:

- based on a determination by a computer of the electronic trading system that a price of a bid crosses the price of an offer, and that the crossed orders are each from market makers, automatically starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other.

is vague and indefinite because it is a substantial repetition of limitations in independent claim 154 in which “executing the two market orders” had already been performed. Further, it is not clear whether the timer in this limitation is the same as “the timer” in the independent claim.

For the purposes of examination, the claim will be interpreted as being not further limiting. Appropriate correction is required.

30. **Claims 130-153, 155-169, 171-176 and 178-183** are rejected by way of dependency on a rejected independent claim.

31. *The art rejections below are in view of the 112, 2nd paragraph rejections stated above.*

Claim Rejections - 35 USC § 102

32. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

33. Claim 177 is rejected under 35 U.S.C. 102(a) as being anticipated by **Ginsberg et al** (US Pub. No. 2003/0139997).

34. Regarding **claim 177**, **Ginsberg** teaches:

- by computer of an electronic trading system, computing brokerage fees to traders for trades executed on the electronic trading system based on whether the trader is on the aggressive side or passive side of a trade – see at least [0016], [0017] and [0053].

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 128-139, 141, 142, 144, 146, 148-165 and 167-183 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith et al** (US Pub. No. 2004/0215538) in view of **Ginsberg**.

37. Regarding **claim 128**, **Smith** teaches:

- by a computer of an electronic trading system - see at least [0006], [Figures 1 & 2] and [0027],
evaluating orders to trade an instrument to determine whether the orders are placed

Art Unit: 3695

- by market-makers - *see at least [0009] and [0048],*
- and evaluating received orders to determine whether a bid to buy order for the instrument crosses price with an offer to sell order for the instrument - *see at least [0006], [0007] and [0008] and [0048];*
- (1) based on a determination by a computer of the electronic trading system that a price of a bid to buy order *crosses* the price of an offer to sell order, and that the crossed orders are each from market makers, *starting a timer* delaying execution of the crossed market maker orders against each other for a period of time - *see at least [0009], [0048], [0049] and [0059],*
- and automatically taking at least one of the following actions (a), (b) or (c):
- (a) adjusting a price of at least one of the crossed market maker orders to match the price of the other crossed market maker order – *see at least [0048] and [0049],* and publishing the adjusted price order to the market for execution by non-market makers – *see at least [0048], [0049] and [0024],*
- while not executing the market makers' orders against each other;
- (b) adjusting the price of at least one of the crossed market maker orders to match the price of the other crossed market maker order, and executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other- *(not chosen for evaluation);*
 - (c) starting a timer delaying execution of the crossed market maker orders against each other for a period of time, and if the crossed market maker orders remain matching or crossed at expiry of the timer, automatically executing the two market maker orders against each other at the price of the later order - *(not chosen for evaluation);*

- (2) if the evaluation determined that the later crossed order is from a market maker and the earlier crossed order is from a non-market-maker, executing a trade between the crossed orders at the price of the earlier non-market-maker order – *see at least [0006], [0038] and [0041]*;

Smith does not explicitly disclose:

- by computer of an electronic trading system, computing brokerage fees to traders for trades executed on the electronic trading system based on whether the trader is on the aggressive side or passive side of a trade.

However, **Ginsberg** teaches a data processing system supporting a transaction-enabling process for *allocating commissions or fees when trading securities* at accelerated levels and rewarding customers who participate in such trades [0016]. He further discloses a *commission calculation processor* which controls the assigning of price increments as well as credits and rebates to the trade transaction [0053]. The commission calculation process determines the customer commission based on *whether the customer was active or passive during the trade*, the type of instrument that was traded, etc. [Id.].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the instant invention to modify **Smith's** disclosure to include *determining a commission based on whether the customer was active or passive during the trade* as taught by **Ginsberg** because it rewards customers who participate in different trades, who trade in less active instruments, and who trade during less active times or from less active locations, thereby providing liquidity to the market - **Ginsberg** [0019].

38. **Claims 129, 154, 155, 157-160, 170-174, 176, 178-183** are substantially similar to, and contain all the limitations of claim 128, but not further limiting. Accordingly rejected for the same reasons.

Art Unit: 3695

39. **Claims 130, 133, 134, 136, 138, 141, 144, 146, 151, 153, 161, 164 and 175** are not further limiting of the claim upon which they depend.

40. Regarding **claim 131, Smith** teaches executing the adjusted price order against any matching orders from non-market maker traders, while not executing the market makers' orders against each other - *see at least [0009]*.

41. Regarding **claim 132, 135, 137, 142, 152, 156 and 163, Smith** teaches:

- if the evaluation determined that both crossed orders are from market makers or that both crossed orders are from non-market makers, executing a trade between the crossed orders at the price of the later order;
- (b) if the evaluation determined that the later crossed order is from a market maker and the earlier crossed order is from a non-market-maker, executing a trade between the crossed orders at the price of the earlier non-market-maker order – *see at least [0009]*.

42. Regarding **claim 139, Smith** teaches assigning a new priority time stamp to the order whose price is adjusted – *see at least [0047]*.

43. Regarding **claims 148-150, 165 and 167-169**, the limitations such as:

- the duration of the timer varies by instrument traded on the electronic trading system.
- the duration of the timer varies with market volatility in the instrument.
- the duration of the timer varies with one or more of current price level and average trading volume.
- the electronic trading system maintains one timer per instrument traded.
- the electronic trading system is programmed to vary the period of time for the timer based on market volatility.

are statements of intended use which do not further limit the claim upon which each depends.

44. Regarding **claim 162, Smith** teaches during the period of the timer, if any further market maker order is received at a price at which market makers lock, automatically executing orders at the locked price, without waiting expiry of the timer - *see at least [0009] and [0048]*.

45. Claims 143, 145, 147 and 166 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith et al** (US Pub. No. 2004/0215538) in view of **Ginsberg** in further view of **Official Notice**.

46. Regarding **claim 143, 145, 147 and 166**, neither **Smith** nor **Ginsberg** explicitly discloses:

- canceling the automatic execution if the price of either the crossed or matching market maker orders *is moved* [sic] to be no longer be crossed or matching before the timer expires.
- canceling the automatic execution if, before the timer expires, an order is received at the electronic trading system from a non-market-maker customer, the price of the non-market-maker order being equal to or more favorable to the market maker whose crossed order was not modified than is the price of the other crossed market maker order.
- after executing the non-market-maker order against the executable market maker order, automatically canceling or *moving a price* [sic] of at least one of the crossed market maker orders.
- the electronic trading system is programmed to cancel the automatic execution if either crossed market maker order is cancelled or if the price is changed.

However, Examiner takes **Official Notice** that one having ordinary skill in that art at the time of the instant invention would *cancel the automatic execution of orders* if a more favorable price was offered in a trade. One having ordinary skill in the art at the time of the invention would understand that delaying execution of a trade would be desirable so that a market participant had time to evaluate the market conditions, and cancel a trade if so desired.

Conclusion

47. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure:

- **Lutnick et al:** "Automatic Price Improvement Protocol Processor", (US Pub. No. 2002/0169703).
- **McGinn:** "Internet wave hits FX trading market", Wall Street & Technology, New York, Second Quarter 2000. pg. 16, 3 pgs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Baird whose telephone number is (571)270-3330. The examiner can normally be reached on Monday - Thursday 7:30 am - 5:00 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3695

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/Ed Baird/
Examiner, Art Unit 3695

/Narayanswamy Subramanian/
Primary Examiner, Art Unit 3695